

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

HARRY SAMUEL,)	
)	
Plaintiff,)	
)	
)	Civ. No. 05-037-SLR
v.)	
)	
THOMAS CARROLL, (WARDEN), LT.)	
PORTER, COUNSELOR KRAMER, and)	
the I.B.C.C. (CLASSIFICATION)	
COMMITTEE), and DENTAL SERVICE,)	
)	
Defendants.)	

STATE DEFENDANTS' MOTION TO DISMISS

COME NOW State Defendants, Thomas Carroll, Lt. Porter, Counselor Kramer and Rob Young, by and through undersigned counsel, and respectfully move this Honorable Court to enter an Order dismissing Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b) (6) for failure to state a claim upon which relief can be granted. In support of their Motion, State Defendants present a Memorandum of Points and Authorities, filed simultaneously herewith.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters
Ophelia M. Waters, ID#3879
Deputy Attorney General
Department of Justice
820 N. French Street, 6th Floor
Wilmington, Delaware 19801

Attorney for State Defendants

Dated: March 8, 2006

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FOR THE DISTRICT OF DELAWARE

HARRY SAMUEL,)	
)	
Plaintiff,)	
)	
vi.)	Civ. No. 05-037-SLR
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THOMAS CARROLL, (WARDEN), LT.)	
PORTER, COUNSELOR KRAMER, and)	
the I.B.C.C. (CLASSIFICATION)	
COMMITTEE), and DENTAL SERVICE,)	
)	
Defendants.)	

ORDER

AND NOW, this _____ day of _____, 2006, the Motion to Dismiss filed by state defendants in the above-captioned matter having been duly considered, and any opposition thereto, is granted; and,

IT IS ORDERED that plaintiff's claims against State Defendants be dismissed, with prejudice.

The Honorable Sue L. Robinson, Chief Judge
United States District Court

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2006, I electronically filed the Defendants *Motion to Dismiss with memorandum of points and authorities*, with the Clerk of Court using CM/ECF. I hereby certify that on March 8, 2006, I have mailed by United States Postal Service, the document to the following non-registered participant: Harry Samuel; SBI#; 00201360, Delaware Correctional Center, 1181 Paddock Rd, Smyrna, DE 19977.

/s/ Ophelia M. Waters

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